

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Robert Fischer and Stephanie Lukis,	)	
individually and on behalf of all others	)	
similarly situated,	)	Case No. 1:19-cv-04892
	)	
Plaintiffs,	)	Hon. Judge Gary Feinerman
	)	
v.	)	Magistrate Judge M. David Weisman
	)	
Instant Checkmate LLC,	)	
	)	
Defendant.	)	

**JOINT STATUS REPORT**

Pursuant to the Court’s March 31, 2022 Order, Plaintiffs Robert Fischer and Stephanie Lukis (“Plaintiffs”) and Defendant Instant Checkmate LLC (“Instant Checkmate”) (Plaintiffs and Defendant, collectively, “the Parties”), by and through their attorneys, respectfully submit the following Joint Status Report reflecting the status of the Parties’ proposal for class notice.

**I. Class Notice.**

On April 11, 2022, the Parties met and conferred on the issue of class notice. Plaintiff requested, and Defendant agreed to investigate and provide answers to the extent possible to, the following questions to inform the Parties’ class notice proposal, including:

- 1) Whether the data available to Defendant indicates when a particular address was associated with a particular person.
- 2) What fields relevant to identification of class members and their contact information are available in the database.
- 3) The total number of individuals who fall (or potentially fall) into the class definition based on Defendant’s dataset.

Instant Checkmate is working diligently to address those questions and to determine what information is possible or not to provide, and more time is needed to answer the questions accurately.

## **II. Agreed Proposal for Next Steps.**

The Parties agreed to the following schedule:

- a) Instant Checkmate will share the information that is available with Plaintiffs, and let Plaintiffs know which of their requested information is not available if any, by April 29, 2022;
- b) The Parties will meet and confer about any remaining questions relevant to developing a class notice proposal promptly after Instant Checkmate provides the aforementioned information to Plaintiff; and,
- c) The Parties will submit a class notice proposal by May 13, 2022.

## **III. Status of Rule 23(f) Petition.**

Instant Checkmate respectfully brings to the Court's attention that on April 14, 2022, Instant Checkmate filed a Rule 23(f) petition to the Seventh Circuit, seeking review of the Court's determination to grant in part Plaintiffs' Motion for Class Certification. On April 15, 2022, the Seventh Circuit directed Plaintiffs to respond to the petition by April 29, 2022. If the Seventh Circuit accepts the Rule 23(f) petition for argument, Defendant anticipates requesting that this Court hold in abeyance further scheduling with regard to class notice proposals until the Rule 23(f) petition is decided.

Dated: April 21, 2022

Respectfully Submitted,

INSTANT CHECKMATE LLC

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*Class Counsel*

**CERTIFICATE OF SERVICE**

I, Debbie L. Berman, certify that on April 21, 2022, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will then send a Notice of Electronic Filing to all counsel of record.

/s/ *Debbie L. Berman*  
Debbie L. Berman